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August 23, 2010

BY ECF

The Honorable Steven M. Gold
Chief United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Dayquan Holmes v. City of New York, et al., 08 Civ. 1386 (NGG)(SMG)

Your Honor:

I am a Senior Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendants in the above referenced matter. I write to respectfully request an adjournment of the settlement conference scheduled in this matter for August 25, 2010 at 3 p.m. Plaintiff has consented to this request.

The reasons for the request are twofold. From defendants' perspective, I was informed last week that the regular decision makers from the Law Department and Comptroller's Office, who Your Honor ordered to be available by telephone during the conference, are both on vacation next week. Given the amount in controversy and the delicate status of negotiations, I feel the process would benefit from not having to brief substitute decision makers of the issues in this case and having to obtain substitute decision makers' input and authority.

From plaintiff's perspective, Mr. Lumer reports that he has been yet unable to discuss the report of Dr. Gidumal that I submitted to Your Honor on August 3, 2010 with his expert.

As I am on vacation from August 30th returning to the office on September 13th, both sides are available for the conference from September 20th through September 23rd, although a late afternoon conference would be less likely to interfere with Mr. Holmes' school schedule. Of course, the parties are also available thereafter if the foregoing suggested dates are not convenient for the Court.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Mark D. Zuckerman
Senior Counsel

cc: Michael Lumer, Esq. (via ECF)